

ENTERED

May 04, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

BRIAN MARK KOPATZ,

Petitioner,

VS.

BOBBY LUMPKIN,

Respondent.

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CIVIL ACTION NO. 2:20-CV-259

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

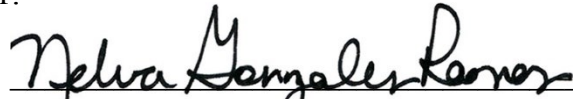
Pending before the Court are Respondent's motion for summary judgment (D.E. 27) and Petitioner's motion for summary judgment. (D.E. 30). On April 16, 2021, United States Magistrate Judge Jason B. Libby issued a Memorandum and Recommendation (M&R, D.E. 35), recommending that Respondent's motion be granted, Petitioner's motion be denied, Petitioner's action be dismissed as barred by the statute of limitations, and a certificate of appealability be denied.

Petitioner timely filed his objections (D.E. 39) on April 28, 2021. Petitioner's objections state bare allegations that Respondent or his representatives have lied. He attaches three pages of exhibits pertaining to the calculation of his sentence, which fail to address the limitations bar that is dispositive of his case. The Court **OVERRULES** the objections.

Having reviewed the findings of fact, conclusions of law, and recommendations set forth in the Magistrate Judge's Memorandum and Recommendation, as well as Petitioner's objections, and all other relevant documents in the record, and having made a

de novo disposition of the portions of the Magistrate Judge's Memorandum and Recommendation to which objections were specifically directed, the Court **OVERRULES** Petitioner's objections and **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Accordingly, Respondent's motion for summary judgment (D.E. 27) is **GRANTED**, Petitioner's motion for summary judgment (D.E. 30) is **DENIED**, this action is **DISMISSED WITH PREJUDICE** as barred by limitations, and the Court **DENIES** a certificate of appealability.

ORDERED this 4th day of May, 2021.



NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE